

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KARL FUGATE,	:	
	:	Case No. 1:19-CV-00030
Plaintiff,	:	
	:	JUDGE MATTHEW W. McFARLAND
v.	:	
	:	Magistrate Judge Stephanie K. Bowman
RON ERDOS, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' SECOND MOTION FOR AN EXTENSION OF TIME TO FILE
OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [DOC. 80]**

Defendants move the Court for a second thirty (30) day extension of time, until April 7, 2021, in which to file their Objections to the Magistrate Judge's Report and Recommendation [Doc. 80], journalized on January 22, 2021. The attached memorandum supports Defendants' Motion.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
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Trial Counsel for Defendants

MEMORANDUM

The Court journalized its Report and Recommendation (R&R) on January 22, 2021. Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1)(C) provides fourteen (14) days to file objections to a Magistrate Judge's R&R. [Doc. 80]. Defendants, through counsel, requested an extension of time to file objections to Doc. 80, which was granted by this Court on February 5, 2021. [Notation Order 81a] Defendants objections, if made, are currently due March 8, 2021.

However, due to an unexpected medical emergency, Undersigned is unable to devote the necessary time to this matter.

Undersigned's intention to seek mediation in this case continues to be reviewed.

Therefore, due to this unexpected situation, Undersigned seeks an extension of an additional thirty (30) days in which to file Defendants Objections to the Magistrate Judge's Report and Recommendations. [Doc. 80].

Fed. R. Civ. P. 6(b)(1)(A) provides that a court may extend the date for the doing of an act upon a showing of good cause if the request is made within the time remaining for the act to be performed. Here, the Objections, if they are to be filed at all, are not due until March 8, 2021, and this request is being made within the time remaining for Objections to be timely filed.

Therefore, undersigned requests an extension of time to file Objections, if any, until no later than thirty (30) additional days, or until Monday, April 7, 2021.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Defendants' Second Motion for an Extension of Time to File Objections to the Magistrate Judge's Report and Recommendation [Doc. 80]* was filed via electronic transmission on March 3, 2021, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505.

s/Thomas E. Madden
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Senior Assistant Attorney General